(1)

c.f. 100/ SINGLE BENCH

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION No. 1140 /2006

PETITIONER

Surendra Kumari Sehgal W/o Sat Pal Sehgal, D/o Hardev Marwah aged about – 62 years, R/o Panjabi Colony, Katora Talab, Raipur, Distt. Raipur (C.G.)

VERSUS

RESPONDENTS

1. Raipur Development Authority Through – Its Chairman, Near Shastri Chowk, Bajrang Mandir, Raipur, Distt. Raipur (C.G.)

2. Rahul Chhabra S/o Unknown aged about – unknown, R/o Subhash Nagar, Bilaspur (C.G.)

3. Harpreet Singh S/o Unknown, aged about – unknown, R/o Telibandha, Raipur, Distt. Raipur (C.G.)

4. Smt. Sheela Rastogi W/o – unknown, aged about – unknown, C/o Sh. B.L. Bani, R/o E-21 Shailendra Nagar, Raipur (C.G.)

P.R. No. 12/11/06
Presented by Shri G.P. Lahur B.
dated 4/12/06

PETITION UNDER ARTICLE 226/227 OF

THE CONSTITUTION OF INDIA

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 1140 OF 2006

Petitioner : Surendra Kumari Sehgal

Versus

Respondents : Raipur Development Authority & Others

Shri P.K. Patel, counsel for the petitioner.

Shri H.B. Agrawal, Senior counsel with Shri J.K. Gupta, counsel for the respondent No.1.

Shri Vimlesh Bajpyee, counsel for the respondent No.2.

Shri R. Pradhan, counsel for the respondent No.4.

ORAL ORDER

(27th July, 2006)

1. In the present petition, the petitioner has challenged the Sale-deed dated 30th October, 1985, executed between the petitioner through Chief Executive Officer and Smt. Sheela Rastogi. According to the petitioner, the petitioner came to know for the first time when she made an application for diversion and got a letter on 25.4.1997 (Annexure P-7) in response to her application for diversion.

2. Learned counsel appearing for the petitioner, submits that the respondent No.1 Raipur Development Authority, has transferred the land without her permission, when she is the land holder of the property in question.

3. The petitioner has filed this petition, after a lapse of 21 years. The case involves disputed question of facts with regard to title,

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ownership of the land and the same cannot be decided without examining the evidences and documents etc.

4. This Court in exercise of its power under Article 226/227 of the Constitution of India cannot decide the disputed questions of facts.

5. Accordingly, the petition is dismissed.

6. At this stage, learned counsel appearing for the petitioner, prays for grant of liberty to move the Civil Court for appropriate relief. In that event, the Court will consider the case on merit and in accordance with law.

Sd/-
Satish K. Agnihotri
Judge